

House File 344 - Introduced

HOUSE FILE 344

BY WHEELER

A BILL FOR

1 An Act relating to the enforcement of the prohibition on the
2 use of an electronic communication device while driving as a
3 secondary action.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.276, Code 2021, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4A. A peace officer shall not stop or
4 detain a person solely for a suspected violation of this
5 section. This section is enforceable by a peace officer only
6 as a secondary action when the driver of a motor vehicle has
7 been stopped or detained for a suspected violation of another
8 provision of this chapter, a local ordinance equivalent to a
9 provision of this chapter, or other law.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 In 2017, the general assembly authorized peace officers to
14 stop and detain a person solely for a suspected violation of
15 Code section 321.276 (use of electronic communication device
16 while driving) by striking a provision that stated Code section
17 321.276 was enforceable by peace officers only as a secondary
18 action when a driver of a motor vehicle had been stopped or
19 detained for a suspected violation of another law.

20 This bill reenacts that provision.

21 A violation of Code section 321.276 is punishable by
22 a scheduled fine of \$45. The offense is not a moving
23 violation, and therefore cannot be considered for purposes
24 of administrative suspension of a driver's license or for
25 establishing habitual offender status. However, if the
26 violation causes a serious injury, a court could impose an
27 additional fine of \$500 or suspend the person's driver's
28 license for not more than 90 days, or both. If the violation
29 causes a death, a court could impose an additional fine of
30 \$1,000 or suspend the person's driver's license for not more
31 than 180 days, or both.